D.B.CIVIL HABEAS CORPUS PETITION NO.5706/2006
(KISTUR VS.STATE OF RAJASTHAN & OTHERS)

HON'BLE JUSTICE MRS.GYAN SUDHA MISRA
HON'BLE JUSTICE DR.VINEET KOTHARI

28.8.2006

Mr.Biri JK Dhingra for the appellant.
Ms.Vidhu Bala for the respondent.

This is a petition for habeas corpus filed by the petitioner-Kistur who had alleged that Smt.Surgyan is under the illegal detention of her parents and she has been forced to leave the petitioner-Kistur and is married to a third person named Suwa Ram inspite of the fact that she is a major.

On this averment a show cause notice was issued to the respondents which included the Station House Officer, Police Station Harmada District Jaipur as also to the respondents who are parents and other relatives who are impleaded as respondents No.4 to 10. The alleged detenu Smt.Surgyan Devi was produced by the SHO, Police Station Harmada before this Court and after her production she was sent by the Court to the Deputy Registrar (Judicial) for recording her statement in order to determine whether the habeas corpus petition was fit to be allowed. After recording of her statement, the same was produced before us in a sealed cover which was opened in-front of the the counsel in open Court.

Having perused the contents of the statement we have noticed that the alleged detenu Smt.Surgyan Devi is a

major and has stated that she has willingly married one Shri Suwa Ram with the consent of her family members and was living with him. She was thereafter forcibly taken by the petitioner-Kistur so that he can marry her and having failed in that, he filed this petition for issuance of a writ of habeas corpus alleging that she is under the illegal detention of her parents as also the person with whom she has been married. But from the perusal of her statement, it is beyond reasonable doubt that she is willingly living with her husband-Suwa Ram with whom she was married with the consent of her parents. The petitioner therefore, has failed to make out a case of illegal detention of his alleged wife Smt.Surgyan Devi and therefore, this petition for habeas corpus stands dismissed.

The lady who was produced before the Court under police escorts by the respondent-police authorities, are directed to reach her back to her parents place from where she had been produced before this Court.

(DR.VINEET KOTHARI)J (GYAN SUDHA MISRA)J

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